



Trade Facilitation and Trade Enforcement Act of 2015—Overview

Background:

On February 24, 2016, President Obama signed into law P.L. 114-125, the **Trade Facilitation and Trade Enforcement Act of 2015**. The Act is the first comprehensive authorization of U.S. Customs and Border Protection (CBP) since the Department of Homeland Security's conception in 2003, with the overall objective to ensure a fair and competitive trade environment. This Act supports CBP's efforts to **protect** U.S. **Economic Security through Trade Enforcement**; **collaborate** with the **Private Sector** through direct engagement; and **streamline and modernize** processes through **Business Transformation** initiatives to meet the demands and complexities of a rapidly evolving global supply chain.

Protect Economic Security through Trade Enforcement. The Act:

- ♦ **Strengthens** enforcement capabilities and methods—including increased bonding, enhanced targeting of high-risk imports, and swift and thorough review of allegations to better enforce U.S. trade laws and regulations;
- ♦ **Establishes** a new administrative procedure for investigating allegations of evasion of Antidumping and Countervailing Duty (AD/CVD) orders, including an ability to draw adverse inferences for failing to provide information;
- ♦ **Enhances** CBP's efforts to combat the import of counterfeit goods and protect **Intellectual Property Rights (IPR)** holders, and to improve enforcement of **AD/CVD** laws; and
- ♦ **Prohibits** all products made by forced labor, including forced or indentured child labor, from being imported into the United States.

Collaborate with the Private Sector through Direct Engagement. The Act:

- ♦ **Reinforces** collaboration with both Partner Government Agencies (PGAs) and the private sector;
- ♦ **Authorizes** the **Commercial Customs Operations Advisory Committee (COAC)** to advise on CBP's regulations, policies, and practices;
- ♦ **Formalizes** CBP's industry seminar programs through which CBP selects interested parties to provide educational trade enforcement seminars to the agency's personnel; and
- ♦ **Codifies** the requirement for CBP's longstanding consultation with PGAs, private sector entities, and the public to ensure that CBP partnership programs provide significant benefits to the commercial industry.

Streamline and Modernize through Business Transformation. The Act:

- ♦ **Extends** the funding through 2018 for the **Automated Commercial Environment (ACE)**—the backbone of the U.S. Government's "Single Window" system of imports and exports—which transmits the private sector's import-export data to **47** PGAs, eliminating over **200** different forms, and streamlining trade processes;
- ♦ **Supports** CBP's efforts to develop and implement the **Centers of Excellence and Expertise (Centers)** — nationwide, industry-specific centers that enhance our enforcement of trade laws and regulations, provide uniformity of trade practices across U.S. Ports of Entry, and build industry expertise within CBP;
- ♦ **Recognizes** the authority to establish and maintain CBP's preclearance program for international travelers, authorizing immigration, customs, and agriculture inspection of each U.S. bound traveler prior to boarding a direct flight to the United States;
- ♦ **Simplifies** and modernizes drawback legislation governing the refund of relevant duties, taxes, and fees to increase efficiencies for the trade community; and
- ♦ **Raises** the de minimis value from \$200 per shipment to \$800 per shipment.